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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,377	01/22/2004	Fujiki Yamada	2018-834	2417
23117	7590	08/19/2005		EXAMINER
NIXON & VANDERHYE, PC				TSAI, CAROL S W
901 NORTH GLEBE ROAD, 11TH FLOOR				
ARLINGTON, VA 22203			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/761,377	YAMADA, FUJIKI
Examiner	Art Unit	
Carol S. Tsai	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 7/15/2005.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,6,11-13 and 22-24 is/are rejected.
- 7) Claim(s) 3-5,7-10,14-21 and 25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6, 11-13, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Publication 2002/0161495 to Yamaki.

With respect to claims 1, 2, 6, 11, and 22-24, Yamaki disclose an electronic control unit comprising a first computer and a second computer, characterized in that: the first computer includes a first diagnostic means for diagnosing operation of the first computer by performing a first diagnosis and a second diagnosis, in which a first value and a second value are calculated using at least two kinds of operations, a first comparison is performed between the first value and a pre-stored first reference value for determining whether a relationship between the first value and the first reference value is normal, and a second comparison is performed between the second value and a pre-stored second reference value for determining whether a relationship between the second value and the second reference value is normal (see paragraphs 0162 and 0167); the first computer further includes a data transmitting means for sending a first set of diagnostic data regarding the first diagnosis and a second set of diagnostic data regarding the

second diagnosis, respectively (see paragraph 0168); the second computer includes a data receiving means for receiving the first set and the second set of diagnostic data (see paragraph 0183); and the second computer further includes a second diagnostic means for determining whether the first diagnostic means normally operates based on the first and the second diagnostic data (see paragraphs 0184 and 0185).

As to claim 12, Yamaki also discloses the first apparatus being a computer (see Fig. 5 and paragraph 0055).

As to claim 13, Yamaki also discloses the at least one value, which is calculated in the first apparatus, includes first and second values that are calculated by the first diagnostic portion; the first diagnostic portion performs a first diagnosis in the diagnosis operation to determine whether a relationship between the first value and a pre-stored first reference value is normal; the first diagnostic portion further performs a second diagnosis in the diagnosis operation to determine whether a relationship between the second value and a pre-stored second reference value is normal; and the information, which is transmitted by the transmitting portion of the first apparatus, includes information with respect to at least one of the first diagnosis and the second diagnosis (see paragraphs 0162 and 0167).

#### *Allowable Subject Matter*

4. Claims 3-5, 7-10, 14-21, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments filed July 15, 2005 have been fully considered but they are not persuasive.

Applicant argue that Yamaki does not do not disclose or suggest the central information control center 151 determining whether a diagnostic means normally operates based on first and second diagnostic data. The Examiner disagrees with Applicant. As set forth above in the art rejection, Yamaki does disclose the central information control center 151 determining whether a diagnostic means normally operates based on first and second diagnostic data (see paragraphs 0184 and 0185; If the diagnosis determination result indicating the presence of the trouble is contained, the host computer proceeds from step S202 to S203 and acquires various data, such as the operating status parameters, the control status parameters, and the diagnosis parameters, corresponding to the occurrence of the trouble. Then, the host computer proceeds to step S204 in which the acquired data are analyzed to estimate the trouble location in the system and/or parts).

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Contact Information*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224.

The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).



Carol S. W. Tsai  
Primary Examiner  
Art Unit 2857

Cswt  
August 17, 2005